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**REMARKS**

This response is intended as a full and complete response to the final Office Action mailed July 28, 2005. In the Office Action, the Examiner notes that claims 1-20 and 38-43 are pending and rejected. By this response claims 1, 8, 16, 42 and 43 are amended and claims 44-51 are added.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are indefinite or obvious under the respective provisions of 35 U.S.C. §112 and 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

**Amendments to the Claims, and the New Claims**

By this response claims 1, 8, 16, 42 and 43 are amended and claims 44-51 are added. The amendments to the claims, and the new claims, are fully supported by the Specification, Drawings and Claims as originally filed. For example, the amendments to claims 1, 8, 16 and 43 are supported at least by page 31, lines 18-19; page 32, lines 11-13; and page 33, lines 8-10 of the Specification. New claim 44 is supported at least by page 31, lines 13-14; new claim 45 at least by page 32, lines 11-14; new claim 46 at least by page 33, lines 11-12; new claim 47 at least by page 33, lines 18-22; new claim 48 at least by page 41, lines 16-20; new claim 49 is supported at least by page 33, lines 4-7; new claim 50 at least by page 33, lines 14-15; and new claim 51 at least by page 33, lines 15-17. Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments to the claims and the newly added claims.

**35 U.S.C. §112 Rejection of Claim 42**

The Examiner has rejected claim 42 under 35 U.S.C. §112, paragraph 1, as failing to comply with the written description requirement. In particular, the Examiner alleges that there is no support in the specification to support the limitation "means to store text transmitted from the order and authorization system and the billing system,

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the transmitted text including billing and account status." Applicants respectfully traverse the Examiner's rejection.

The Examiner indicates that the claim will be treated as "means to store text transmitted from a cable headend or an operations center, the transmitted text including billing and account status" (emphasis added). The Examiner has further indicated support for such treatment of the claim at page 12, lines 15-18, which recites (emphasis added below):

"In addition to menu information, the set top terminal 220 may also store text transmitted from the remote location such as the cable headend 208 or the operations center 202. The text may inform the subscriber about upcoming events, billing and account status, new subscriptions, or other relevant information. The text maybe stored in an appropriate memory location depending on the frequency and the duration of the use of the textual message."

In light of the Examiner's treatment of the claim, the Applicants have amended the claim to recite "a means to store text transmitted from at least one of a cable headend and an operations center, the transmitted text including information on billing and account status", which includes language substantially similar to the language the Examiner has treated the claim as reciting.

Thus the Applicants respectfully request that the Examiner's rejection be withdrawn.

However, the Applicants respectfully note that the text may also be transmitted "from the remote location," which may encompass locations in addition to the cable headend and the operations center, as supported elsewhere in the Specification.

**35 U.S.C. §103 Rejection of Claims 1, 38-41 and 43**

The Examiner has rejected claims 1, 38-41 and 43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276) in view of U.S. Patent 6,058,424 to Dixon et al. ("Dixon"). Applicants respectfully traverse the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Banker '276 and Dixon references, alone or in combination, fail to teach or suggest all of the limitations recited in claim 1, and thus fail to teach or suggest the Applicants' invention as a whole.

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Specifically, the Banker '276 and Dixon references fail to teach at least that the "the scheduling web site is capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber," as recited in the claim as amended.

The Banker '276 reference discloses a subscription television system in which near video on demand (NVOD) events may be ordered by a subscriber. As acknowledged by the Examiner, the Banker '276 reference "is silent on a scheduling web site" (page 5 of the 7/28/05 Office Action). The Applicants respectfully submit that the Banker '276 references thus necessarily also does not teach or suggest that the claimed "scheduling web site is capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber."

The Dixon reference fails to bridge the substantial gap between the Banker '276 reference and Applicants' invention. In particular, the Dixon reference discloses a process in which a client may "select a multimedia asset from a listing on an HTML page presented to the client." The Dixon reference further discloses (emphasis added below):

"Client 201 then selects an asset from the HTML page. Presentation formatter server 207 receives the request and runs the VSP (video selection presentation) formatter program. The VSP formatter passes the selection request to application server 208, where an HTML metafile is created containing the pertinent information regarding the selected asset. The metafile is returned via presentation formatter server 207 to client 201." (column 5, lines 48-55)

However, the Dixon reference does not teach or suggest that the HTML page recognizes the subscriber. The Dixon references also does not teach or suggest that the HTML page provides an electronic program guide customized for the subscriber.

Thus, the Banker '276 and Dixon references fail to teach or suggest the Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claim 43 contains substantially similar relevant limitations as those discussed above in regards to claim 1, and is therefore also patentable. Furthermore, claims 38-41 depend directly or indirectly from independent claim 1 and recite additional

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limitations thereof. Accordingly, for at least the same reasons as discussed above, dependent claims 38-41 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejections be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 2-7**

The Examiner has rejected claims 2-7 under 35 U.S.C. §103(a) as being unpatentable over Banker '276 and Dixon in view of U.S. Patent 5,539,450 to Handelman (hereinafter "Handelman"). Applicants respectfully traverse the rejection.

Claims 2-7 depend, either directly or indirectly, from independent claim 1, and recites additional features thereof. Moreover, claim 1 is patentable over the Banker '276 and Dixon references at least for the reasons discussed above. Accordingly, any attempted combination of the Banker '276 and Dixon references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claims 2-7 are also not obvious and are patentable under 35 U.S.C. §103.

### **35 U.S.C. §103 Rejection of Claims 8 and 14**

The Examiner has rejected claims 8 and 14 under 35 U.S.C. §103(a) as being unpatentable over Banker '276 and Dixon in view of U.S. Patent 5,412,720 to Hoarty et al. ("Hoarty"). Applicants respectfully traverse the rejection.

The Banker '276, Dixon and Hoarty references, alone or in combination, fail to teach Applicants' invention as a whole.

For at least the reasons discussed above, the Banker '276 and Dixon references fail to teach or suggest Applicants' invention, as recited in claim 1, as a whole. Moreover, independent claim 8 contains substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, the Banker '276 and Dixon references also fail to teach or suggest Applicants' invention, as recited in claim 8, as a whole.

Furthermore, the Hoarty reference fails to bridge the substantial gap between the Banker '276 and Dixon references and Applicants' invention as recited in claim 8. Hoarty discloses an interactive cable television system in which a subscriber can

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request a service by communicating over a backbone network to a server at a cable headend. However, Hoarty also does not teach or suggest a scheduling web site that receives a program selection. Instead, a service is requested by communicating to a server at a cable headend. Furthermore, because Hoarty does not teach or suggest a scheduling website, Hoarty necessarily also does not teach or suggest that "the scheduling web site is capable of recognizing a subscriber and providing an electronic program guide customized for the subscriber" as recited in claim 8 as amended.

As such, Applicants submit that independent claim 8 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claim 14 depends directly from independent claim 8 and recites additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that dependent claim 14 is also not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **35 U.S.C. §103 Rejection of Claims 9, 10, 11 and 15**

The Examiner has rejected claims 9, 10 and 15 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Hoarty in view of Handelman. Applicants respectfully traverse the rejection.

Claims 9, 10, 11 and 15 depend, either directly or indirectly, from independent claim 8, and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon and Hoarty references fail to teach or suggest Applicants' invention as a whole, as recited in claim 8. Accordingly, any attempted combination of the Banker '276, Dixon and Hoarty references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claims 9, 10, 11 and 15 are also not obvious and are patentable under 35 U.S.C. §103.

#### **35 U.S.C. §103 Rejection of Claims 12 and 13**

The Examiner has rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Hoarty in view of U.S. Patent 4,686,564 to Masuko et al. ("Masuko"). Applicants respectfully traverse the rejection.

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Claims 12 and 13 depend, either directly or indirectly, from independent claim 8, and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon and Hoarty references fail to teach or suggest Applicants' invention as a whole, as recited in claim 8. Accordingly, any attempted combination of the Banker '276, Dixon and Hoarty references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claims 12 and 13 are also not obvious and are patentable under 35 U.S.C. §103.

**35 U.S.C. §103 Rejection of Claim 16**

The Examiner has rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Banker '276 and Dixon in view of U.S. Patent 5,317,391 to Banker et al. ("Banker '391"). Applicants respectfully traverse the rejection.

For at least the reasons discussed above, the Banker '276 and Dixon references fail to teach or suggest Applicants' invention, as recited in claim 1, as a whole. Moreover, independent claim 16 contains substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, the Banker '276 and Dixon references also fail to teach or suggest Applicants' invention, as recited in claim 16, as a whole.

Furthermore, the Banker '391 reference fails to bridge the substantial gap between the Banker '276 and Dixon references and Applicants' invention as recited in claim 16. Banker '391 discloses a subscriber terminal apparatus for a television in an in-band subscription television system. Banker '391 discloses that a user may buy a pay-per-view event by calling a system operator. Thus, Banker '391 also does not teach or suggest a scheduling web site that receives a program selection. Instead, Banker '391 discloses a system operator who receives the request by a telephone call. Furthermore, because Banker '391 does not teach a scheduling web site, Banker '391 necessarily also does not teach or suggest "displaying, at a scheduling web site, the program data as an electronic program guide having a program menu, wherein the scheduling web site is capable of recognizing a subscriber and customizing the display of the electronic program guide for the subscriber" as recited in the claim as amended.

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As such, Applicants submit that independent claim 16 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claim 17**

The Examiner has rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Banker '391 in view of Masuko. Applicants respectfully traverse the rejection.

Claim 17 depends directly from independent claim 16, and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon and Banker '391 references fail to teach or suggest Applicants' invention as a whole, as recited in claim 16. Accordingly, any attempted combination of the Banker '276, Dixon and Banker '391 references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claim 17 is also not obvious and is patentable under 35 U.S.C. §103.

**35 U.S.C. §103 Rejection of Claims 18-20**

The Examiner has rejected claims 18-20 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Banker '391 in view of Handelsman. Applicants respectfully traverse the rejection.

Claims 18-20 depend, directly or indirectly, from independent claim 16, and recite additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon and Banker '391 references fail to teach or suggest Applicants' invention as a whole, as recited in claim 16. Accordingly, any attempted combination of the Banker '276, Dixon and Banker '391 references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claims 18-20 are also not obvious and are patentable under 35 U.S.C. §103.

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**35 U.S.C. §103 Rejection of Claim 42**

The Examiner has rejected claim 42 under 35 U.S.C. §103(a) as being unpatentable over Banker '276 and Dixon in view of U.S. Patent 5,600,364 to Hendricks (hereinafter "Hendricks '364"). Applicants respectfully traverse the rejection.

Claim 42 depends directly from independent claim 1, and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276 and Dixon references fail to teach or suggest Applicants' invention as a whole, as recited in claim 1. Accordingly, any attempted combination of the Banker '276 and Dixon references with any other additional references, in a rejection against the dependent claim, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claim 42 is also not obvious and is patentable under 35 U.S.C. §103.

**Official Notices**

The Office Action takes numerous Official Notices. Applicant hereby traverses each Official Notice. The Examiner alleges that certain apparatuses and/or methods are well known in the art. However, the Applicant respectfully disagrees. These apparatuses and/or methods may not be well known within the specific art of the present invention and as specifically recited in their respective claims. Furthermore, it may not be well known to combine the allegedly well known apparatuses and/or methods with other apparatuses and/or methods recited in the respective claims or in other claims from which the respective claims may depend.

**CONCLUSION**

Thus, Applicants submit that none of the claims presently in the application are indefinite or obvious under the respective provisions of 35 U.S.C. §112 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Stephen Guzzi at (732) 530-9404 so that




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appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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